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Held at Headquarters, New York,
on Friday, 15 July 1994, at 10 a.m.

President : Mr. BUTLER (Australia)
(Vice-President)

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The meeting is called to order at 10.25 a.m.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS:

(d) HUMAN RIGHTS QUESTIONS

Statement by the High Commissioner for Human Rights

Mr. AYALA LASSO (High Commissioner for Human Rights) said that human rights were now firmly established as one of the indisputable priorities of the community of nations. Their globalization and internationalization were also one of the substantive results of the first half century of the United Nations. Human rights concerns were becoming increasingly intertwined with other activities, as evidenced by the distinct human rights components in the Fourth World Conference on Women and the World Summit for Social Development, for example. In creating the post of High Commissioner for Human Rights, Member States had endowed it with unprecedented moral and political authority to express the voice of the moral conscience of mankind. His actions as High Commissioner were based on three main principles: cooperation at all levels, a comprehensive and integrated approach to the promotion of human rights and the participation of all in the promotion of human rights at all levels.

The High Commissioner's mandate included the responsibility of engaging in a dialogue with all Governments with a view to securing respect for human rights. The initial stages of that dialogue had been very encouraging. During his first three months in office, he had made official visits to a number of countries, and planned a tour of southern Asia in the very near future. During those visits, he had stressed the need for strengthening international cooperation in human rights, discussed support for the human rights programme and exchanged views on ways to improve human rights protection. As necessary, he had raised human rights problems, and so far his expressions of concern had met with positive reactions.

As the United Nations official with principal responsibility for human rights activities, he attached special importance to system-wide coordination. For that purpose, he intended to establish a permanent dialogue within the United Nations system to promote human rights through a systematic and periodic exchange of information, experience and expertise. At the first meeting of special rapporteurs,

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experts and chairpersons of working groups of the Commission on Human Rights, he had stressed that the work of the special rapporteurs was a main pillar of the implementation of human rights in practical terms. A complementary approach must be adopted between the activities of the high Commissioner and the special procedures system; the mandate of the High Commissioner was essentially one of facilitation and coordination. A "human rights hotline" had been established in the Centre for Human Rights as an initial measure in a process designed to obtain emergency information on human rights situations so that it could be dealt with rapidly.

One of his most important responsibilities under General Assembly resolution 48/141 was to play an active role in removing current obstacles to the full realization of human rights and in preventing the continuation of human rights violations throughout the world. Shortly after taking office, he had been confronted with the tragedy in Rwanda which followed the deaths of the Presidents of Rwanda and Burundi on 6 April 1994. It rapidly became clear that flagrant and massive violations of human rights and humanitarian law were being committed. After consulting the Secretary-General, he had undertaken a mission to the region, where he met the representatives of the Rwandese armed forces and the Rwandese Patriotic Front and made an appeal to all protagonists to put an end to human rights violations, conclude a cease-fire and allow humanitarian assistance to reach all those who needed it. On his return, at a special session of the Commission on Human Rights, he had made recommendations for specific action to bring the cycle of violence in that country to an end. The Commission had decided to appoint a Special Rapporteur on the situation in Rwanda, who had visited the country and presented a preliminary report containing his observations and recommendations. The Commission had also decided that the Special Rapporteur should receive the assistance of a team of human rights field officers. Further, as a long-term preventive measure, he had been requested to take all necessary steps to ensure that the political efforts of the United Nations aimed at conflict resolution and peace-building included a strong human rights component.

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Another very important part of his mandate was to play an active role in preventing violations of human rights. Because the crisis in Rwanda could have negative repercussions in neighbouring Burundi, he had visited that country in order to see the situation first hand and to support Government actions in the field of human rights. During his visit, he had met with the Acting President, government officials, representatives of non-governmental organizations, churches and the media. Convinced that a programme of cooperation and technical assistance in the field of human rights could help in preserving peace in Burundi, he had reached an agreement on a human rights programme that would be part of a comprehensive, integrated approach which included a training component for government officials, the armed forces, police, judges, lawyers and educators in international human rights standards and also provided for education and information in primary and secondary schools and institutions of higher learning. Appeals to the donor community for voluntary contributions to support that programme had met with a number of positive responses. Further, to establish a human rights presence in Burundi, a staff member of the Centre for Human Rights was currently residing in Bujumbura to help implement the first phase of the technical assistance programme.

A number of reports and expressions of concern had been recently received relating to an increase of tension and the danger of new violence in Burundi. In response, he had written to the interim President to express support for all those who were working for tolerance and mutual understanding and expressing particular concern about the use of radio broadcasts and other media to transmit messages of hate and intolerance.

Providing advisory services and technical and financial assistance to programmes in the field of human rights was another important responsibility of the High Commissioner. The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights had marked a turning point in United Nations efforts to promote and protect human rights. Certain areas of its implementation would, necessarily, receive priority attention. Those included universal ratification of the basic human rights treaties, the promotion of women's rights and the development of effective measures against racism and racial discrimination. Its provisions

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relating to the rights of indigenous peoples, migrant workers, children and minorities deserved close attention, as well.

The Commission had asked him to include among his specific objectives a plan of action for the proposed United Nations decade for human rights education. Consultations were now under way with Governments, specialized agencies, regional organizations, the treaty-monitoring bodies and non-governmental organizations on a draft plan of action to be submitted to the General Assembly. One of the greatest challenges was promoting the right to development, which also entailed seeking more effective ways of protecting economic, social and cultural rights, since the violation of those rights often set the stage for violations of civil and political rights. The World Conference on Human Rights had established indicators to measure progress in the realization of economic, social and cultural rights and the identification of practical ways to overcome obstacles. He was exploring the design of projects to implement the right to development in all its aspects.

After only a short period as High Commissioner, he could attest to the great possibilities for that office to make real contributions to the improvements of protection and promotion of human rights. The readiness of Governments and all the organs of the United Nations system to join together to promote human rights provided a solid basis for action. Another important element was the hope placed in that office by non-governmental organizations and individuals all over the world. He would make every effort to build on that foundation of trust and hope in order to create a world in which all human rights of all persons would be fully respected.

Ms. KUNADI (India) requested the High Commissioner to elaborate on the proposals for a permanent mechanism to coordinate the work of the special rapporteurs, representatives, working groups and experts of the Commission on Human Rights.

Mr. AYALA LASSO (High Commissioner for Human Rights) said that, at the first meeting of special rapporteurs and representatives, there had been general agreement that almost all the recommendations and decisions contained in human rights declarations and instruments were not receiving adequate follow-up. The lines of coordination must be clarified in order to facilitate their work. That meeting had

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recommended that a system of coordination should be developed, and specific proposals were under preparation.

Mr. REY CORDOBA (Colombia) said that the question of appropriate staff and resources to enable the High Commissioner to fulfil his mandate was a matter of concern to his delegation, and he inquired how paragraph 7 of General Assembly resolution 48/141 had been implemented. He also asked whether the High Commissioner participated in all critical situations involving violations of human rights, or whether the other specialized agencies tended to proceed without his participation.

Mr. AYALA LASSO (High Commissioner for Human Rights) said, regarding the question of resources, that the General Assembly had allocated limited funds for his Office and a limited number of staff. It had taken into consideration that the High Commissioner was to work with the Centre for Human Rights and could make use of its resources until a request for additional resources could be reviewed at its forty-ninth session.

Some activities relating to human rights took place within the context of political activities. The mandate of his Office was to coordinate and direct all of the human rights components of such activities. A technical preparatory process and expertise needed to be developed, in addition to the allocation of more resources.

Mr. MONGBE (Benin) said that insufficient resources would make it difficult for the High Commissioner for Human Rights to carry out his mandate. The Council should therefore recommend that the General Assembly provide the necessary financial support for the work of the High Commissioner.

His delegation wished to know whether the High Commissioner had taken any measures to prevent possible duplication and overlapping between the functions of the various mechanisms of the United Nations system that dealt with human rights. He also wished to know what measures the High Commissioner was taking to achieve a balance in the emphasis on each of the various human rights, which included civil, political, economic, cultural and social rights, as well as the right to development.

Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had been one of the States Members of the United Nations that had promoted the creation of the Office of the High Commissioner for Human Rights. As one of the proponents of the

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United Nations decade for education in the field of human rights, her delegation was eager to hear the results of the High Commissioner's activities in that area.

Mr. MUCH (Germany), speaking on behalf of the European Union, said that the European Union fully supported the High Commissioner in the accomplishment of his mandate. The High Commissicner had said that the work of the special rapporteurs complemented the work of the High Commissioner. In view of the fact that the High Commissioner would soon be visiting Cuba, his delegation wished to know whether the High Commissioner would be accompanied by the special rapporteur responsible for studying the human rights situation in that country, or whether the High Commissioner's visit would constitute a prelude to renewed cooperation between that country and the special rapporteur. What precautions could be taken in order to ensure that a country did not use a visit by the High Commissioner to avoid its obligations to cooperate with the special rapporteur?

Mr. FULCI (Italy) said that his delegation associated itself with the statement by the representative of Germany on behalf of the European Union. All delegations should support the efforts to provide the High Commissioner with the necessary financial resources needed to carry out his mandate.

Mr. COHEN (United States of America) said that his delegation associated itself with the question raised by the representative of Benin regarding duplication and overlapping of the human rights mechanisms of the United Nations system, and also supported the remarks made by the representative of Italy regarding financial resources. His delegation strongly believed that the work of the special rapporteurs should be enhanced, and it hoped that the High Commissioner's study of that issue would result in greater coordination of the work of the special rapporteurs, especially between countries and thematic rapporteurs. It would be useful if thematic rapporteurs were allowed to accompany special rapporteurs to countries where their particular thematic issues were of relevance.

Mr. TOMKINSON (Australia) said that her delegation associated itself with those delegations that had emphasized the need to ensure that appropriate resources were provided to the Centre for Human Rights. Her delegation attached considerable

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importance to the very comprehensive dialogue that the High Commissioner had been undertaking with Governments, since that was one of the major aspects of his mandate.

Mr. CRAPATUREANU (Romania) said that his delegation shared the view that, in order to fulfil his mandate, the High Commissioner needed adequate financial and human resources. In that respect, the Fifth Committee should take a realistic approach and adopt the appropriate decisions.

His delegation commended the High Commissioner for strengthening coordination between his office and other agencies and bodies of the United Nations system that dealt with human rights, and it shared the view that the consolidation of the Office of the High Commissioner shcuild be a high priority.

His delegation wished to know how a possible change in the calendar of activities of the Commission on Human Rights might influence the decisions and activities of the Office of the High Commissioner for Human Rights.

Mr. Masood KHAN (Pakistan) said that the High Commissioner's visit to Rwanda and its follow-up had set a precedent in that the report of the Special Rapporteur had become the basis for the future work of the Security Council. His delegation wished to know whether that meant that it constituted formal acceptance and recognition of the interrelationship between security issues and human rights issues. It seemed possible that the international community had entered a phase where the artificial divisions between the various aspects of a crisis had been removed and that henceforth any issue, crisis or emergency would be dealt with in its entirety.

His delegation wished to know what criteria the High Commissioner applied in judging whether a situation was serious enough to merit his attention. It also wished to know what measures the High Commissioner would take to avert a human rights crisis. Would such measures include visits to the country in which human rights violations were taking place, or would the High Commissioner initiate dialogue with the Governments concerned?

Massive, gross and consistent violations of human rights had been taking place in Jammu and Kashmir, and he wished to know whether such violations merited the attention of the High Commissioner, or whether the situation would have to

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deteriorate further in order to be considered by his Office. His delegation encouraged the High Commissioner to visit Jammu and Kashmir during his upcoming visit to the Asian region.

Mr. TURK (Observer for Slovenia) said that his delegation had been encouraged by the High Commissioner's remarks about preventive action, and it hoped that the delegations would respond to the specific appeal that he had made in his statement.

His delegation had been encouraged by the High Commissioner's active approach to the subject of education in the field of human rights and was looking forward to the specific proposals that he would make before the beginning of the forty-ninth session of the General Assembly. In addition, his delegation would like to know the High Commissioner's views on the responses he had received from various parts of the United Nations system with regard to the preparation of specific projects for the realization of the right to development. Finally, his delegation associated itself with those delegations that had emphasized the need for the General Assembly to consider the need to provide the High Commissioner with appropriate financial resources.

Mr. SUCHARIPA (Observer for Austria) said that appropriate budgetary decisions should be taken to support the activities of the High Commissioner for Human Rights. His delegation was looking forward with great interest to the proposals that the High Commissioner would present to the next session of the General Assembly. Finally, the High Commissioner should provide the Council with more information about the "hotline".

Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation was firmly convinced that the activities and mandate of the High Commissioner should gradually be expanded. The High Commissioner could play an important role in strengthening the human rights component in the maintenance of international peace and security. In his visits to countries, the High Commissioner should encourage Governments to participate more actively in international negotiations and treaties on human rights and to fulfil the obligations they had undertaken in that area. In carrying out his

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activities, the High Commissioner should seek to settle conflicts by giving good advice to States as to how they could improve their human rights situation.

His delegation wished to know what kind of preventive measures the High Commissioner was planning to take, particularly in cooperation with other United Nations bodies, and also what difficulties he had encountered in his dealings with individual States.

Mr. BIGGAR (Ireland) said that his delegation associated itself with the remarks made by the representative of Germany on behalf of the European Union. At its forty-ninth session, the General Assembly should provide the High Commissioner with the resources he needed to carry out his mandate and, in general, ensure the adequate financing of all human rights activities of the United Nations. His delegation commended the High Commissioner on his swift and decisive action in Burundi and encouraged him to consider whether there might be any other cases in which he could take action to prevent human rights violations.

Mr. MOHAMED (Observer for the Sudan) said that, in his report, the Special Rapporteur for the Sudan had criticized the Government and religion of Sudan. Moreover, after submitting his report, the same rapporteur had participated in dialogues and seminars against the Sudan in many world capitals. The Sudan had written to the Commission on Human Rights about those activities, and it requested the High Commissioner to express his opinion on the matter.

Ms. KUNADI (India) said that a question had been raised by one delegation about a territory belonging to India. The international community had condemned terrorism in all its forms as a gross violation of human rights. It could not be denied that terrorism was a subject of legitimate international concern, particularly when it was aided, funded, abetted and instigated by one Member State against another. Her delegation wished to know what mechanisms the High Commissioner intended to establish to protect human rights from terrorism.

Mr. de CARVALHO (Brazil) said that his delegation was confident that, in his contacts with the Governments, the High Commissioner would further the promotion and protection of human rights. The High Commissioner should use his best judgement on how he should conduct those high-level visits.

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Mrs. SILVERA (Cuba) said that the representative of Germany, speaking on behalf of the European Union, had inquired about certain facts which, in the opinion of her delegation, were not the subject of the current meeting. She wished to emphasize that Cuba, as a sovereign and independent State, had extended an official invitation to the High Commissioner for Human Rights and, in doing so, had expressed, once again, its political will to cooperate with those bodies or agencies that were not selective in nature.

Mr. BOBADILLA GUILLEN (Paraguay) asked whether the Office of the High Commissioner had established coordination mechanisms with the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

Mr. MOAKAF (Libyan Arab Jamahiriya) joined other speakers in congratulating the High Commissioner and commended him on his fine work. His delegation was fully prepared to assist the High Commissioner in carrying out his tasks.

Mr. KHAN (Pakistan) said that his delegation wished to place on record that Jammu and Kashmir was recognized by the Security Council and on all official maps of the United Nations as a disputed territory. Any unilateral declaration to the contrary by any Government was legally invalid and represented a position which was not recognized by the United Nations.

Ms. KUNADI (India), speaking on a point of order, said that it was not appropriate for one delegation to raise issues that were extraneous to the item under discussion. A debate on the territory in question, which belonged to her country, had already taken place in the Commission on Human Rights.

Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) thanked the Council for its support and, in particular, the representative of Benin, who had appealed to the Council to provide sufficient resources to the Office of the High Commissioner for Human Rights. In replying to the questions raised by delegations, he would not support any particular view out of a desire to remain apolitical. Coordination was necessary in order to ensure the right to development, to which he would take a concrete and pragmatic approach. Believing that it would be unrealistic to prescribe a global formula for ensuring the right to development, he had already held discussions with a number of international development agencies

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and organizations with a view to proceeding on a case-by-case basis. In promoting the right to development, the very sensitive issue of linkages between human rights and development assistance had been considered in depth. He agreed that human rights instruments and bodies must be given all necessary support. In that connection, he viewed the decisions adopted by the Commission on Human Rights as mandates for his Office.

He did not visit countries as a tourist but rather in order to take specific action on human rights issues. His travel was very carefully planned with a view to achieving positive results and avoiding mistakes which might close doors to him. Special rapporteurs, like other international staff members, required the collaboration of all States and were subject to a code of conduct. Criticism by a Special Rapporteur should not be viewed as hostile or discriminatory towards a particular tradition, religion or culture.

Significant strides had been made in internal coordination since the first meeting of the Administrative Committee on Coordination (ACC) which had considered the question of human rights and adopted recommendations concerning the establishment of a system for the coordination of all human rights activities in the United Nations system. In his view, an exchange of information on the specific human rights programmes of each agency should constitute the first step in such coordination. He did not believe that his Office should supervise all human rights activities carried out by other agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) or the World Health Organization (WHO). An exchange of information would be intended merely to establish a common orientation in order to avoid duplication of activities and unnecessary expenditures.

Following the establishment of a 24-hour hotline, the annual volume of complaints about human rights violations had risen significantly. He would be submitting a proposal to the General Assembly, requesting additional resources in order to process all the complaints.

He attached great importance to coordination between his Office and regional and subregional organizations, including the Inter-American Commission on Human Rights,

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which was a model for the whole world, and the Inter-American Institute of Human Rights. A working group would meet in September to consider reforms in the working methods, agenda and calendar of meetings of the Commission on Human Rights. The Chairman of the Commission on Human Rights had informed the President of the Council of the proposed changes, which he believed were fully justified. Noting that 1995 was the target date for universal accession to the Convention on the Rights of the Child, he said that universal accession to all human rights instruments must be promoted. Technical assistance and advisory services must be provided to States which lacked the experience or appropriate national institutions to bring their domestic legislation into compliance with international human rights instruments. He would be submitting a major proposal to the forty-ninth session of the General Assembly concerning an increase in resources for technical assistance.

Mr. Myong-Joo CHOE (Republic of Korea) expressed his Government's gratitude to the High Commissioner for accepting an invitation to attend an international conference on human rights jointly organized by the Republic of Korea and the Centre for Human Rights. Some 30 government representatives and human rights experts from the Asia and Pacific region would be participating in the seminar designed to improve the human rights situation in that region.

The meeting rose at 12.05 p.m.